UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,265	11/09/2000	Toby Walker	450101-02303	5375

20999	7590	02/25/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 February 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2.   Claims 1-2, 5-6, 9-11, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated

by Wang et al. (US 5,805,733).

Re claims 1, 5, and 10, Wang discloses a data processor for generating feature data

characteristic of input data (100 of fig. 1), comprising:

dividing means (121of fig. 1) for dividing said input data into a plurality segments (307

of fig. 3);

calculating means (403of fig. 4) for calculating features (Si, Sj of fig. 5) of a respective

segment, said calculating means being operable to calculate a color feature denoting a color

histogram;

measuring means (405 of fig. 4) for measuring similarities between segment based on

their calculated features; and

wherein said feature data is describes using descriptors each having its attributes define

as lower-level elements (407 of fig. 4).

Re claims 2, 6, and 11, Wang further discloses wherein the input data includes at least

one of visual data and audio data included in a video data (201 of fig. 2).

Re claims 9, and 14-15, Wang further discloses wherein the feature data is received along

with the input data from an external apparatus (101 of fig. 1), and the restoring means restores

the feature of the input data and generates a processed one of the input data (107, 109 of fig. 1).

3.   Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolle et al. (US

5,546,475).

Re claims 1, 5, and 10, Bolle discloses a data processor for generating feature data

characteristic of input data (100 of fig. 1), comprising:

dividing means (200, 220 of fig. 2) for dividing said input data into a plurality segments;

calculating means (230 of fig. 2) for calculating features of a respective segment, said

calculating means being operable to calculate a color feature denoting a color histogram (230,

e.g. Hue, of fig. 6);

measuring means (240 of fig. 2) for measuring similarities between segment based on

their calculated features; and

wherein said feature data is describes using descriptors each having its attributes define

as lower-level elements (131 of fig. 5, e.g. an object image is defined as lower-level elements).

Re claims 2, 6, and 11, Bolle further discloses wherein the input data includes at least one

of visual data and audio data included in a video data (video camera 120 of fig. 1).

Re claims 3, 7, 12, Bolle further discloses wherein the descriptor is generated to inherit

functions from a higher-class descriptor including the capability of structuring (Background 311

of fig. 5).

Re claims 4, 8, and 13, Bolle further discloses wherein the attribute as the lower-level

element is structured by defining the attribute of the descriptor and/or a special attribute (131 of

fig. 1, e.g. the shape of the apple).

Re claims 9, and 14-15, Bolle further discloses wherein the feature data is received along

with the input data from an external apparatus (120 of fig. 1), and the restoring means restores

the feature of the input data and generates a processed one of the input data (140 of fig. 1).

4.   Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Warnick et al.
(US 6,195,458 B1).

Re claims 1, 5, and 10, Warnick discloses a data processor for generating feature data
characteristic of input data (fig. 1, col. 1, lines 10-22), comprising:

dividing means (120 of fig. 1) for dividing said input data into a plurality segments (145,
155, 165, 175 of fig. 1; shot boundary segment, fade segments, dissolve segment, uniform
segment);

calculating means (210 and 220 of fig. 2) for calculating features of a respective segment,
said calculating means being operable to calculate a color feature denoting a color histogram
(col. 5, line36 through col. 6, line 60);

measuring means for measuring similarities between segment based on their calculated
features (210 and 220 of fig. 2); and

wherein said feature data is describes using descriptors each having its attributes define
as lower-level elements (230 of fig. 2, e.g. 2-class clustering on the two difference features).

Re claims 2, 6, and 11, Warnick further discloses wherein the input data includes at least
one of visual data and audio data included in a video data (video sequence 110 of fig. 1).

Re claims 3, 7, 12, Warnick further discloses wherein the descriptor is generated to
inherit functions from a higher-class descriptor including the capability of structuring (fig. 8, e.g.
SHOT).

Re claims 4, 8, and 13, Warnick further discloses wherein the attribute as the lower-level

element is structured by defining the attribute of the descriptor and/or a special attribute

(UNIFORM of fig. 8).

Re claims 9, and 14-15, Warnick further discloses wherein the feature data is received

along with the input data from an external apparatus (CPUs), and the restoring means restores the

feature of the input data and generates a processed one of the input data (RAM or ROM) (see

col. 3, lines 55-67).

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tung T. Vo
Examiner
Art Unit 2613

TUNG T. VO
PATENT EXAMINER

T.Vo